

Drivers Involved in Fatal Crashes

Every driver involved in a fatal motor vehicle crash, or a crash where a death is likely to occur, must submit to a blood alcohol test. Failure to do so will result in a one year license suspension.

If the Secretary of State is satisfied that a driver, while under the influence of alcohol or drugs, negligently operated a motor vehicle in such a manner as to cause the death of any person, the Secretary shall immediately suspend the operator's license for at least three years. This suspension will be in addition to any suspension imposed for refusal to submit to a chemical test.

Alcohol Facts

- Alcohol is alcohol, whether it is hard liquor, beer or wine coolers.
- A cold shower or cup of coffee will not sober you up.
- Alcohol affects your physical mobility, and your ability to reason and use good judgment.
- Large amounts of alcohol can do major damage to your heart, liver, stomach, and other critical organs.
- Nobody reacts the same to alcohol. Body weight, time of day, body chemistry, and mental state all affect a person's physical reaction to drinking alcohol.
- Large amounts of alcohol consumed in a short period of time can be lethal.
- The costs of Operating Under the Influence (OUI) can effect not only you but those around you. This impact can be felt by your family, friends, neighbors and coworkers.
- If you are going to drink alcohol, ALWAYS assign a designated driver.

The best advice to follow is that if you drink, plan ahead, and designate a non-drinking driver.

The Zero Tolerance Law

If you are under 21 years of age, Maine has a special law for you. If you are found operating, or attempting to operate, a motor vehicle with any measurable amount of alcohol in your body, you will lose your license for one year. If you refuse a test, you will lose your license for at least 18 months. If you have a passenger under 21 years of age, an additional 180 day suspension will be imposed.

Drivers under 21 years with a BAC of .08 percent or more can be prosecuted for the criminal offense of OUI, but the license suspension must be for one year.

Save A Life, Save A Friend, Save Yourself

Take a stand against drunk driving! It only takes one person to stand up for what's right and the rest of the crowd will follow:

- Do NOT get into a car with someone who has been drinking.
- If you see someone who has been drinking, take his/her keys away. Remember, friends don't let friends drink and drive.
- If you find yourself in an environment where your peers are drinking, call a friend, call a cab, or call your parents to come pick you up.
- To report suspected substance-impaired drivers on the highway, dial 911 to reach the Maine State Police. Be prepared to give the location, direction of travel, description of any suspect vehicle and license number, and description of the situation prompting the call.
- Buckle up every time you get in a car. It's your best defense against drunk drivers.

Maine Bureau of Highway Safety



Maine Bureau of Highway Safety
164 State House Station
Augusta, Maine 04333-0164
www.maine.gov/dps/bhs/
www.surviveyourdrive.org

Abuse it...



...and lose it:

Maine's OUI Laws Explained



Maine Bureau of Highway Safety



Operating Under the Influence (OUI)

In Maine, if you are driving a motor vehicle with a blood alcohol content of .08 percent or more, you are guilty of a criminal offense known as operating under the influence, or OUI.

Following your arrest, and based solely on the police report and blood alcohol content (BAC) test results, the Secretary of State will immediately suspend your license. **This suspension takes place prior to any court appearance, so while you're waiting for your day in court, you won't be driving.**

Operating Under the Influence (OUI) includes not only alcohol, but any intoxicant, narcotic drug, or other drug producing central nervous system effect including prescription drugs.

Implied Consent

It is important for Maine drivers to remember that a driver's license is not a right guaranteed under our Constitution. It is a privilege that is administratively issued and can be withdrawn by the State.

Under Implied Consent, you automatically agree to a chemical test (blood, breath or urine) at any time authorities have probable cause to administer it. If you refuse to take such a test for alcohol or drugs, your driver's license will be immediately suspended. The suspension could be for a period of up to six years. Because it is an administrative suspension, no court action is necessary. **In addition, testimony from the arresting officer regarding your driving performance can result in an OUI conviction even without the BAC test!**

If you are found guilty of OUI based on the police officer's testimony, your refusal to take a test will be considered as an aggravating factor by the judge and another suspension, as well as mandatory jail time, will be tacked on. **So by refusing you will have a much harsher penalty than if you'd taken the test.**

Remember a test can protect you. If you are not legally intoxicated, the test will show it.

Conditional Licenses

Reinstated licenses include the condition of not driving after drinking. After the first conviction, the license is conditional for one year. After any subsequent conviction, it is conditional for ten years.

A conditional license can be suspended for one year, without a preliminary hearing, for operating with **any** amount of alcohol in the blood. A conditional license can be suspended for a period of two years for any refusal to submit to a blood-alcohol test, a penalty which will be added to any suspension previously handed down for an OUI conviction.

Vehicle Seizure or Forfeiture

A person operating under the influence while under suspension for a previous OUI is subject to vehicle seizure and forfeiture, as well as a fine and jail time.



Minimum Court Imposed Penalties for OUI

Offense	Suspension	Jail Time	Fine
1st no aggravating factors	90 days	0	\$500
1st w/aggravating factors ¹	90 days	48 hours	\$500
1st (refusal) ²	90 days	96 hours	\$500
2nd ^{3, 4}	18 months	7 days	\$700
2nd (refusal)	18 months	12 days	\$900
3rd ⁴	4 years	30 days	\$1,100
3rd (refusal)	4 years	40 days	\$1,400
4th or more	6 years	6 months	\$2,100
4th (refusal)	6 years	6 months & 20 days	\$2,500

¹ Aggravating factors include a BAC of .15 percent or more, or traveling 30 m.p.h. or more over the speed limit, or attempting to elude an officer of the law, or having a passenger under 21 years of age. The law requires an additional 275 day suspension be imposed by the court of the Secretary of State if transporting a passenger under 12.

² Refusal to be tested results in a loss of license for at least 275 days which is consecutive to any suspension imposed for an OUI conviction.

³ A second conviction within ten years prohibits the offender from obtaining a work-restricted license or from registering a vehicle.

⁴ Suspension may be shortened if interlock ignition is implemented.

Drunk Drivers End Up In Bars.



THE TAB:

Fine	\$500.00
Towing Charges	\$75.00
Bail Bond	\$50.00
Lawyer	\$3,500.00
Alcohol Education Course	\$110.00
3-Year Insurance Surcharge	\$4,000.00
Loss of Work	\$2,000.00
TOTAL	\$10,235.00

And that's just for the first offense!

If you drive before getting your license back it could mean jail, a fine, and an additional license suspension.

**If you
drink and
drive,
it could
cost you.**

